

ORDINANCE NO. 98-9

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE IV, CHAPTER 14 OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 78-1) ESTABLISHING THAT REMAINING ON OR ENTERING ONTO UNSAFE OR UNFIT PROPERTY IN VIOLATION OF CHAPTER 14, ARTICLE IV SHALL BE ENFORCED AS PROVIDED IN SECTION 125.69(1) FLORIDA STATUTES AS AMENDED; REQUIRING ENFORCEMENT BY LAW ENFORCEMENT OFFICER; PROVIDING A PENALTY FOR REMOVING PLACARDS; AMENDING CHAPTER 7, SECTION 7-52 OF THE PALM BEACH COUNTY CODE (ORD. NO. 89-31, AS AMENDED) PROVIDING THAT REMOVING PLACARDS OR ENTERING ONTO UNSAFE STRUCTURE SHALL BE ENFORCED IN ACCORD WITH SECTION 125.69(1) FLORIDA STATUTES, AS AMENDED; REQUIRING ENFORCEMENT BY LAW ENFORCEMENT OFFICER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County defines that the entering of an unsafe or unfit dwelling presents a health and safety hazard; and

WHEREAS, the Board of County Commissioners of Palm Beach County wishes to provide law enforcement a tool to assist in prohibiting access to structures determined to be unsafe and unfit.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. CHAPTER 14, ARTICLE IV OF THE PALM BEACH COUNTY CODE (ORD. NO. 78-1) SHALL BE AMENDED TO INCLUDE THE FOLLOWING SECTION:

Sec. 14-231 Prohibited Entry or Occupation of Dwelling Units.

(a) After the time deadline for vacation of dwelling unit stated in any notice provided pursuant to sec. 14-226, it shall be a violation of this division punishable as provided by

1 Section 125.69(1) Florida Statutes, as amended, for any person to
2 enter into or fail to vacate any dwelling or dwelling unit deemed
3 unsafe or unfit for human habitation.

4 (b) However, it shall be a defense to subsection (a) if
5 approval to reoccupy the dwelling or dwelling unit has been secured
6 from the building official and the placard has been removed as
7 provided herein.

8 (c) It shall be the duty of all appropriate law
9 enforcement officers to enforce the provisions of this paragraph in
10 accordance with law including section 901.15(1) Florida Statutes,
11 as amended.

12 **SECTION 2.** SEC. 14-230 OF THE PALM BEACH COUNTY CODE (ORD. NO.
13 78-1) SHALL BE AMENDED AS FOLLOWS:

14 **Sec. 14-230. Removal of Placard or Notice.**

15 Except as provided in Sec. 14-229, it shall be a
16 violation of this ordinance, punishable as provided by section
17 125.69(1) Florida Statutes, as amended, for any person to no person
18 shall deface or remove the a placard from any dwelling or dwelling
19 unit which has been condemned as unfit for human habitation. and
20 placarded as such, except as provided in section 14-229.

21 **SECTION 3.** SEC. 7-52 BUILDING CODES ENFORCEMENT ADMINISTRATIVE
22 CODE SUBSECTION (B) PARAGRAPH 103.5.2 (ORD. NO. 89-
23 31) OF THE PALM BEACH COUNTY CODE, SHALL BE AMENDED
24 AS INDICATED BELOW:

25 103.5.2 If necessary, such notice shall also require the
26 building, structure, electrical, gas, mechanical, plumbing systems
27 or portion thereof to be vacated forthwith and not reoccupied until
28 the specified repairs and improvements are completed, inspected and
29 approved by the Building Official. The Building Official shall
30 cause to be posted at each entrance to such building a notice

1 stating: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN
2 PROHIBITED BY THE BUILDING OFFICIAL. Such notice shall remain
3 posted until the required repairs are made or demolition is
4 completed. ~~It shall be unlawful~~ It shall be a violation of this
5 ordinance punishable as provided by section 125.69(1) Florida
6 Statutes, as amended, or as otherwise provided by law or ordinance
7 for any person, firm or corporation or its officers, agents, or
8 other servants, to remove such notice without written permission of
9 the Building Official, or for any person to enter the building, or
10 use such systems except for the purpose of making the required
11 repairs or of demolishing same. It shall be the duty of all law
12 enforcement officers to enforce the provisions of this paragraph in
13 accordance with law including section 901.15(1) Florida Statutes, as
14 amended.

15 **SECTION 4. SEVERABILITY**

16 If any section, subsection, sentence, clause, phrase, or
17 portion of this ordinance is held to be invalid or unconstitutional
18 by any court of competent jurisdiction, said holding shall in no
19 way affect the validity of the remaining portions of this
20 ordinance.

21 **SECTION 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

22 The provisions of this Ordinance shall become and be made
23 a part of the Code of Laws and Ordinances of Palm Beach County,
24 Florida. The sections of this Ordinance may be renumbered or
25 relettered to accomplish such, and the word "ordinance" may be
26 changed to "section", "article", or other appropriate word.

1 **SECTION 6. REPEAL OF CONFLICTING PROVISIONS**

2 Any provision of county ordinance or resolution in
3 conflict with this ordinance shall be repealed to the extent of any
4 such conflict.

5 **SECTION 7. EFFECTIVE DATE.**

6 The provisions of this Ordinance shall become effective
7 upon filing with the Department of State.

8 Approved and adopted by the Board of County Commissioners
9 of Palm Beach County, Florida on the 17th day of March,
10 1998.

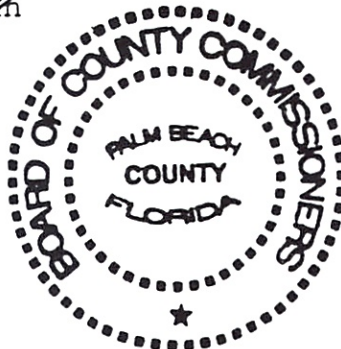
BOARD OF COUNTY COMMISSIONERS

11 DOROTHY H. WILKEN PALM BEACH COUNTY, FLORIDA,
12 BY ITS BOARD OF COUNTY COMMISSIONERS

13 By *[Signature]* By *[Signature]*
14 Deputy Clerk Chairman

15 APPROVED AS TO FORM AND
16 LEGAL SUFFICIENCY

17 *[Signature]*
18 COUNTY ATTORNEY



19 Filed with the Department of State received on the 26TH day
20 of March, 19 98.

21 G:\COMMON\ATTY\WPDATA\ENVIR\OLEVAY\ORDINANC\CHAP14.2

STATE OF FLORIDA COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 3/12/98
DATED 3/12/98 at Palm Beach, Fla.
DOROTHY H. WILKEN, Clerk
By: *[Signature]*

County Library
Serials Dept.

**ORDINANCE
ENCLOSED**

- 8 1009